

1       ••87b3032/1••SECTION 398cf. 144.027 (8) (intro.) of the statutes is  
2 amended to read:

3       144.027 (8) COPAYMENT. (intro.) The department shall require a payment  
4 by the ~~claimant~~ applicant equal to the total of the following:

5       ••87b3032/1••SECTION 398cfm. 144.027 (9) (b) of the statutes is amended  
6 to read:

7       144.027 (9) (b) Notwithstanding the requirement of contamination under  
8 sub. (7), if a private water supply meets the criteria under par. (a) and the  
9 ~~claim~~ application is based upon contamination by nitrates and not by any other  
10 substance, the department may ~~make an award~~ issue a grant only if the private  
11 water supply produces water containing nitrates in excess of 40 parts per  
12 million expressed as nitrate-nitrogen.

13       ••87b3032/1••SECTION 398cg. 144.027 (10) of the statutes is repealed and  
14 recreated to read:

15       144.027 (10) ISSUANCE OF GRANT. (a) The department shall pay each grant  
16 within 30 days after a completed payment request is submitted.

17       (b) The department may supplement a grant if after payment under par. (a)  
18 the applicant incurs additional or unanticipated eligible costs as determined  
19 under sub. (7) as necessary to obtain a suitable supply of water. Supplements  
20 may not increase the total amount of a grant over the limits imposed in sub.  
21 (7). The department shall pay each supplement within 30 days after approval  
22 of a request for a supplement.

23       ••87b3032/1••SECTION 398cgm. 144.027 (10m) of the statutes is created to  
24 read:

25       144.027 (10m) RETROACTIVE GRANTS. The department may approve a grant for  
26 reimbursement of eligible costs in sub. (7) which are incurred before the  
27 department determines that the application is complete under sub. (5) (c) if  
28 all of the following conditions are satisfied:

1 (a) The applicant contacted the department before the reconstruction or  
2 replacement of the private water supply and the applicant proceeded according  
3 to the department's recommendations to ensure that the design and construction  
4 of the reconstructed or new well and the abandonment of the old well resulted  
5 in a new or reconstructed well free from contamination and did not increase  
6 the likelihood of movement of contaminants in groundwater.

7 (b) The private water supply was a contaminated water supply when the  
8 private water supply was reconstructed or replaced.

9 (c) Reconstruction or replacement of the private water supply began on or  
10 after January 1, 1985.

11 (d) The application meets all of the requirements of this section, and  
12 rules promulgated under this section, except for rules and requirements that  
13 require a showing that a private water supply is contaminated at the time of  
14 application.

15 ••87b3032/1••SECTION 398ch. 144.027 (11) (title) and (a) (title) and 1 to  
16 7 of the statutes are amended to read:

17 144.027 (11) (title) DENIAL OF APPLICATION; LIMITS ON GRANTS. (a)  
18 (title) Denial of application. The department shall deny ~~a claim~~ an applica-  
19 tion if:

20 1. The ~~claim~~ application is not within the scope of this section.

21 2. The ~~claimant~~ applicant submits a fraudulent claim.

22 3. ~~The claim~~ Except as provided in subs. (7) (a) and (10m), the applica-  
23 tion is for reimbursement of costs incurred before the department determined  
24 that the ~~claim~~ application was complete under sub. (5) (c).

25 4. One or more of the contaminants upon which the ~~claim~~ application is  
26 based was introduced into the well through the plumbing connected to the well.

1        5. One or more of the contaminants upon which the ~~claim~~ application is  
2 based was introduced into the well intentionally by ~~a claimant~~ an applicant or  
3 a person who would be directly benefited by payment of the ~~claim~~ application.

4        6. All of the contaminants upon which the ~~claim~~ application is based are  
5 naturally occurring substances and the concentration of the contaminants in  
6 water produced by the well does not significantly exceed the background  
7 concentration of the contaminants in groundwater at that location.

8        7. Except as provided in sub. (14), ~~an award~~ a grant has been made under  
9 this section within the previous 10 years for the parcel of land where the  
10 private water supply is located.

11        ••87b3032/1••SECTION 398chm. 144.027 (11) (a) 4m of the statutes is  
12 created to read:

13        144.027 (11) (a) 4m. The negligent or intentional actions of the appli-  
14 cant or a person who would directly benefit from payment of a well compen-  
15 sation grant caused environmental pollution which contaminated the applicant's  
16 private water supply.

17        ••87b3032/1••SECTION 398cj. 144.027 (11) (am) of the statutes is amended  
18 to read:

19        144.027 (11) (am) Emergency. Notwithstanding par. (a) 3, the department  
20 may authorize expenditures before ~~a claim~~ an application is submitted if the  
21 department determines that an emergency situation exists. The department  
22 shall establish standards and procedures for the payment of ~~claims~~ grants in  
23 emergency situations.

24        ••87b3032/1••SECTION 398cjm. 144.027 (11) (b) (title), 1, 2, 3. (intro.)  
25 and 4 of the statutes are amended to read:

26        144.027 (11) (b) (title) Limits on grants; purposes. 1. ~~An award A~~  
27 grant may be issued for purchasing and installing a pump if a pump is neces-  
28 sary for the new or reconstructed private water supply.

1       2.   ~~An award~~ A grant may be issued for water treatment only if the con-  
2   tamination cannot be remedied by reconstruction or replacement of the private  
3   water supply, or connection to another water supply is not feasible.

4       3.   (intro.) ~~An award~~ A grant may not be issued for the replacement of a  
5   sand point well with a drilled well unless:

6       4.   ~~An award~~ A grant may not be issued for the reimbursement of costs of  
7   an alternative water supply incurred before the department confirmed that  
8   contamination existed.

9       ••87b3032/1••SECTION 398ck. 144.027 (11) (b) 5 of the statutes is created  
10   to read:

11       144.027 (11) (b) 5. If the contaminated private water supply is a dug  
12   well, the eligible costs are limited to the cost of abandoning the dug well.

13       ••87b3032/1••SECTION 398ckm. 144.027 (11) (c) and (d) of the statutes are  
14   amended to read:

15       144.027 (11) (c) (title) Limits on grants; costs determined by rule. The  
16   department shall determine by rule the usual and customary costs of each item  
17   for which ~~an award~~ a grant may be issued under sub. (7). The rule shall  
18   reflect the range of costs resulting from differences in costs of  
19   construction, labor, equipment and supplies throughout the state, various soil  
20   and bedrock conditions, sizes and depths of wells, types of well construction  
21   and other factors which may affect the costs. ~~The department shall determine~~  
22   ~~the amount of all awards according to the rules promulgated under this para-~~  
23   ~~graph~~ Payments under sub. (7) shall be based on the costs determined by rule  
24   or on actual costs, whichever is less.

25       (d) Limits on grants; amount. ~~Awards~~ Grants shall be issued subject to  
26   the following limitations on amount:

27       1. If the contamination can be remedied by reconstruction of the private  
28   water supply, construction of a new private water supply or connection to an

1 existing public or private water supply, the department shall issue ~~an award~~ a  
2 grant for the least expensive means of remedying the contamination.

3 2. If the contamination cannot be remedied by a new or reconstructed  
4 private water supply, the maximum ~~award~~ grant for connection to an existing  
5 public or private water supply is 150% of the cost of constructing a new pri-  
6 vate water supply.

7 3. ~~An award~~ A grant for an alternate water supply is limited to the  
8 amount necessary to obtain water for a one-year period, except as provided  
9 under sub. (13).

10 ••87b3032/1••SECTION 398cL. 144.027 (11) (e) of the statutes is created  
11 to read:

12 144.027 (11) (e) Conduct of applicant. Except as otherwise provided in  
13 par. (a), the conduct of the applicant or of any person who would be directly  
14 benefited by payment of a grant is not a bar to recovery and no grant may be  
15 diminished or denied as the result of the conduct of the applicant or of any  
16 person who would be benefited by payment of a grant.

17 ••87b3032/1••SECTION 398cLm. 144.027 (11m) of the statutes is created to  
18 read:

19 144.027 (11m) CONSTRUCTION OF TEST WELLS. If the department determines  
20 that a reconstructed or replacement well may not produce uncontaminated water  
21 in an area where several applications have been submitted, the department may  
22 issue a grant to one or more designated applicants for a test well. If the  
23 test well is not contaminated, the grant amount shall be calculated under this  
24 section. If the test well is contaminated, the department shall pay the full  
25 cost of constructing the test well and, if necessary, the cost of abandoning  
26 the test well. Notwithstanding sub. (14), construction of a test well which  
27 is contaminated shall not limit an applicant's right to make additional  
28 applications.

1       ••87b3032/1••SECTION 398cm. 144.027 (12) (intro.) of the statutes is  
2 amended to read:

3       144.027 (12) RECONSTRUCTION OR REPLACEMENT OF WELLS. (intro.) If the  
4 department determines that the ~~claimant~~ applicant is entitled to compensation  
5 for reconstruction of a private water supply or construction of a new private  
6 water supply, the department may issue the ~~award~~ grant only if all of the  
7 following conditions are satisfied:

8       ••87b3032/1••SECTION 398cmm. 144.027 (13) of the statutes is amended to  
9 read:

10       144.027 (13) COORDINATION OF COMPENSATION AND REMEDIAL ACTION. If the  
11 secretary determines that the implementation of a response to groundwater  
12 contamination by a regulatory agency under s. 160.25 can be expected to remedy  
13 the contamination in a private water supply in 2 years or less, the secretary  
14 may order a delay in the issuance of ~~an award~~ a grant for up to a 2-year  
15 period. If the secretary issues an order under this subsection, the depart-  
16 ment shall issue ~~an award~~ a grant for an alternate water supply while the  
17 order is in effect or until the well is no longer contaminated, whichever is  
18 earlier. If, upon expiration of the order, the department determines that the  
19 private water supply is not contaminated, the department may not issue ~~an~~  
20 ~~award~~ a grant under this section.

21       ••87b3032/1••SECTION 398cn. 144.027 (14) and (15) of the statutes are  
22 amended to read:

23       144.027 (14) (title) NEW APPLICATIONS. (a) New contamination. A  
24 ~~claimant~~ An applicant who receives ~~an award~~ a grant for the purpose of con-  
25 structing or reconstructing a private water supply or connection to a private  
26 water supply may submit a new ~~claim~~ application if the contamination is from a  
27 new source and, if the previous ~~award~~ grant was for a new or reconstructed  
28 private water supply, the well was constructed properly.

1       (b) Failure to eliminate contamination. 1. ~~A claimant~~ An applicant who  
2 receives ~~an award~~ a grant for the purpose of constructing or reconstructing a  
3 private water supply or connection to a private water supply may submit a new  
4 claim application if the contamination is not eliminated and, if the ~~award~~  
5 grant was for a new or reconstructed private water supply, the well was con-  
6 structed properly.

7       2. Only one additional ~~claim~~ application may be submitted under this  
8 paragraph within 10 years after ~~an award~~ a grant is made.

9       (15) TOLLING OF STATUTE OF LIMITATIONS. Any law limiting the time for  
10 commencement of an action is tolled by the filing of ~~a claim~~ an application.  
11 The law limiting the time for commencement of the action is tolled for the  
12 period from the first filing of ~~a claim~~ an application until the department  
13 issues ~~an award~~ a grant under this section. If a period of limitation is  
14 tolled by the filing of ~~a claim~~ an application, and the time remaining after  
15 issuance of the ~~final award~~ grant in which an action may be commenced is less  
16 than 30 days, the period within which the action may be commenced is extended  
17 to 30 days from the date of issuance of the ~~final award~~ grant.

18       ••87b3032/1••SECTION 398cnm. 144.027 (16) (d) of the statutes is amended  
19 to read:

20       144.027 (16) (d) The state is subrogated to the rights of ~~a claimant~~ an  
21 applicant who obtains ~~an award~~ a grant under this section in an amount equal  
22 to the ~~award~~ grant. All moneys recovered under this paragraph shall be cred-  
23 ited to the appropriation under s. 20.370 (2) (eg).

24       ••87b3032/1••SECTION 398cp. 144.027 (16) (e) of the statutes is created  
25 to read:

26       144.027 (16) (e) 1. In any action taken by the state under par. (d), or  
27 in any other action taken by the state against a person alleged to have caused  
28 the contamination of a private water supply for which compensation was paid

1 under this section, the state may seek recovery, on behalf of the owner of the  
2 contaminated private water supply, of those eligible costs in sub. (7) incur-  
3 red by the owner in excess of the grant paid to the owner.

4 2. In addition to the authority of the department to bring an action  
5 under par. (d), the applicant may bring an action to recover damages.

6 ••87b3032/1••SECTION 398cpm. 144.027 (17) (a) of the statutes is amended  
7 to read:

8 144.027 (17) (a) ~~A claim~~ An application may be submitted irrespective of  
9 the time when the contamination is or could have been discovered in the pri-  
10 vate water supply. ~~A claim~~ An application may be submitted for contamination  
11 which commenced before May 11, 1984, and either continues at the time ~~a claim~~  
12 an application is submitted under this section or continues until the con-  
13 taminated private water supply is replaced or reconstructed before application  
14 under sub. (10m).

15 ••87b3032/1••SECTION 398cq. 144.027 (18m) of the statutes is created to  
16 read:

17 144.027 (18m) RECOVERY OF GRANTS. (a) If within 3 years after issuing a  
18 grant the department determines that sub. (11) (a) 4 to 5 applies to the  
19 application, the department shall revoke the grant and order the applicant to  
20 repay the grant.

21 (b) All moneys recovered under this subsection shall be credited to the  
22 appropriation under s. 20.370 (2) (eg).

23 ••87b3032/1••SECTION 398cqm. 144.027 (19) of the statutes is renumbered  
24 144.027 (19) (a) and amended to read:

25 144.027 (19) (a) Whoever does any of the following shall forfeit not less  
26 than \$100 nor more than \$1,000 and shall ~~be required to repay an award~~ a grant  
27 issued to that person under this section:

1 1. Causes or exacerbates the contamination of a private water supply for  
2 the purpose of submitting ~~a claim~~ an application under this section; ~~or,~~

3 2. Submits a fraudulent ~~claim~~ application under this section.

4 ••87b3032/1••SECTION 398cr. 144.027 (19) (b) and (c) of the statutes are  
5 created to read:

6 144.027 (19) (b) The court shall require any person who is required to  
7 pay a forfeiture under par. (a) to repay the department any costs incurred by  
8 the department in conducting investigations necessary to obtain evidence of  
9 intentional contamination of the applicant's private water supply or of sub-  
10 mission of a fraudulent claim.

11 (c) All grant moneys repaid under this subsection shall be credited to  
12 the appropriation under s. 20.370 (2) (eg).

13 ••87b3032/1••SECTION 398crm. 144.028 (1) of the statutes is renumbered  
14 144.028 (1) (a), and 144.028 (1) (a) (intro.) and 1, as renumbered, are  
15 amended to read:

16 144.028 (1) (a) (intro.) A municipality ~~may~~ shall apply to the department  
17 for a municipal water supply grant if all of the following conditions are  
18 satisfied:

19 1. Three or more contaminated private water supplies which meet the eli-  
20 gibility requirements of s. 144.027 are located in the area to be served by  
21 the municipality ~~are contaminated~~.

22 ••87b3032/1••SECTION 398cs. 144.028 (1) (b) of the statutes is created to  
23 read:

24 144.028 (1) (b) A municipality may apply to the department on behalf of a  
25 private water utility for a municipal water supply grant if all of the  
26 following conditions are satisfied:

27 1. Three or more private water supplies in the area to be served by the  
28 private water utility are contaminated.

1       2. The private water utility agrees to provide a public water supply to  
2 replace contaminated private water supplies.

3       ••87b3032/1••SECTION 398csm. 144.028 (2) (a) and (b) of the statutes are  
4 amended to read:

5       144.028 (2) (a) ~~Within 30 days after receipt of~~ Before submitting an  
6 application under sub. (1), the ~~department~~ municipality shall hold a public  
7 hearing in the area proposed to be served to allow ~~each person having a con-~~  
8 ~~taminated private water supply to~~ public comment on the municipality's  
9 proposal. The ~~department~~ municipality shall notify, by 1st class mail, the  
10 department and each person whose private water supply ~~has been determined to~~  
11 ~~be contaminated~~ is proposed to be replaced of the date, time and place of the  
12 public hearing.

13       (b) If the department determines that the conditions under sub. (1) are  
14 satisfied and that a municipal water supply is the most feasible solution to  
15 the problem of contaminated private water supplies in that area, the depart-  
16 ment may issue a preliminary determination of eligibility. In determining  
17 feasibility, the department shall consider the risk of future contamination to  
18 private water supplies, the cost of the project in relation to the cost of  
19 replacing private ~~wells~~ water supplies, the speed with which the municipality  
20 can construct a municipal water supply, the projected residential and indus-  
21 trial need for water in the area and the auxiliary benefits of a municipal  
22 water supply, including fire protection benefits.

23       ••87b3032/1••SECTION 398ct. 144.028 (3) of the statutes is renumbered  
24 144.028 (3) (a) and amended to read:

25       144.028 (3) (a) The department shall establish standards and procedures  
26 for the issuance of municipal water supply grants.

27       (b) A grant may not exceed 60% of the cost to provide the municipal water  
28 supply to the contaminated area, to provide tests and to provide an alternate

1 water ~~supply supplies, as provided in this paragraph.~~ Eligible costs ~~to pro-~~  
2 ~~vide a municipal water supply include the~~ include:

3 1. The municipality's direct capital costs, costs of connection to pro-  
4 vide a municipal water supply and to connect structures with contaminated  
5 private water supplies to the municipal water supply and associated costs  
6 related to the abandonment of a contaminated private well. ~~Eligible testing~~  
7 ~~costs include the water supplies.~~

8 2. The cost of providing for or reimbursing the cost of not more than 2  
9 tests for each private water supply to determine if it is contaminated, using  
10 procedures and standards under s. 144.027 (6). ~~Eligible alternate water~~  
11 ~~supply costs include the~~

12 3. The cost of providing an alternate water supply for persons supplies  
13 from the date that contamination was confirmed by the municipality determined  
14 under s. 144.027 (6) to the time the municipal water supply is available.

15 ••87b3032/1••SECTION 398ctm. 144.028 (3) (c) of the statutes is created  
16 to read:

17 144.028 (3) (c) Eligible costs shall be calculated only for the  
18 following:

19 1. A principal residence which is served by a contaminated residential  
20 water supply.

21 2. An owner-operated property which is served by a contaminated livestock  
22 water supply.

23 ••87b3032/1••SECTION 398cu. 144.028 (4) of the statutes is amended to  
24 read:

25 144.028 (4) PAYMENT. The department shall allocate money for the payment  
26 of grants according to the order in which completed applications are received.  
27 The department may conditionally approve a completed application even if the  
28 appropriations under s. 20.370 (2) (eh) ~~and~~, (eg) and (eh) are insufficient to

1 pay the grant. The department shall allocate money for the payment of a grant  
2 which is conditionally approved as soon as funds become available.

3 ••87b3032/1••SECTION 398cum. 144.028 (5) of the statutes is created to  
4 read:

5 144.028 (5) GRANT RESTRICTIONS. (a) Municipal water supply grants are  
6 subject to s. 144.027 (6), (9), (11) (a) 1 to 3 and 6 to 9 and (b), (13) and  
7 (15) to (18m).

8 (b) In determining the most feasible solution under sub. (2) (b), the  
9 department shall require the municipality to evaluate and provide cost esti-  
10 mates for all technically feasible options. The department shall calculate  
11 the eligible costs under this section based on the least-cost alternative.  
12 The municipality may use the grant to construct any technically feasible  
13 option, subject to department approval under s. 144.04.

14 ••87b3032/1••SECTION 398cv. 144.028 (6), (7) and (8) of the statutes are  
15 created to read:

16 144.028 (6) COOPERATION WITH DEPARTMENT. An application constitutes  
17 consent by the applicant to:

18 (a) Obtain permission or seek a special inspection warrant under s.  
19 66.122 to enter the properties where the contaminated private water supplies  
20 are located during normal business hours and cooperate with and assist the  
21 department in any investigations or tests necessary to verify the application;  
22 and

23 (b) Cooperate with the state in any administrative, civil or criminal  
24 action involving a person or activity alleged to have caused the private water  
25 supplies to become contaminated.

26 (7) RECOVERY OF GRANTS. (a) If within 3 years after awarding a grant  
27 the department determines that s. 144.027 (11) (a) 4 to 5 applies to any pri-  
28 vate water supply included in the application, the department shall revoke

1 that portion of the grant attributable to the inclusion of that private water  
2 supply in the application and order the person who directly received the  
3 benefit resulting from the inclusion of that private water supply in the  
4 application to repay that portion of the grant.

5 (b) All moneys recovered under this subsection shall be credited to the  
6 appropriation under s. 20.370 (2) (eg).

7 (8) PENALTIES. Whoever does any of the following shall forfeit not less  
8 than \$100 nor more than \$1,000 and shall repay to the state any portion of a  
9 grant under this section paid to that person:

10 (a) Causes or exacerbates the contamination of a private water supply for  
11 the purpose of obtaining compensation under this section.

12 (b) Submits fraudulent information to the department or a municipality  
13 regarding that person's eligibility for compensation under this section.

14 \*\*87b3032/1\*\*SECTION 398cvm. 144.029 of the statutes is created to read:  
15 144.029 WELL CONTAMINATION ASSESSMENT. (1) In any action by the state  
16 against a person for a violation of any provision of statutory or administra-  
17 tive law, where the violation has resulted in a contaminated private water  
18 supply as defined under s. 144.027 (1) (b), a court may impose a well con-  
19 tamination assessment.

20 (2) A well contamination assessment imposed under this section is in  
21 addition to any other penalty, assessment, restitution payment or liability to  
22 which the person is subject and is in addition to any other remedy which is  
23 available to the court, the department or any other person.

24 (3) A well contamination assessment imposed under this section shall be  
25 credited to the appropriation under s. 20.370 (2) (eh).

26 (4) A well contamination assessment imposed under this section shall be  
27 equal in amount to any fine or forfeiture to which the person is subject.

1 (5) If a fine or forfeiture is suspended in whole or in part, the well  
2 contamination assessment shall be reduced in proportion to the reduction in  
3 the fine or forfeiture due to the suspension.

4 (6) The clerk of court shall collect and transmit to the county treasurer  
5 the well contamination assessment and other amounts required under s. 59.395  
6 (5). The county treasurer shall then make payment to the state treasurer as  
7 provided in s. 59.20 (5) (b).

8 \*\*87b3032/1\*\*SECTION 398cw. 144.0295 of the statutes is created to read:  
9 144.0295 WELL COMPENSATION FEE ADJUSTMENT. (1) The department shall  
10 monitor, on a continuing basis, all of the following:

11 (a) The amount of moneys generated by the well compensation fee under s.  
12 94.681, compared to the amount of grants approved for payment under ss.  
13 144.027 and 144.028 for wells contaminated by pesticides, as defined under s.  
14 94.67 (25), or substances derived from the breakdown of pesticides.

15 (b) The amount of moneys generated by the well compensation fee under s.  
16 168.12 (1s), compared to the amount of grants approved for payment under ss.  
17 144.027 and 144.028 for wells contaminated by petroleum products, as defined  
18 under s. 101.142 (1) (a), or by substances derived from the breakdown of  
19 petroleum products.

20 (d) The amount of moneys generated by the well compensation fee under s.  
21 147.033 (3), compared to the amount of grants approved for payment under ss.  
22 144.027 and 144.028 for wells contaminated due to the discharge of effluent or  
23 the disposal of sludge from a treatment work on land.

24 (2) (a) The department shall, at such times as the department deems  
25 necessary to maintain approximate equivalency between the amount of moneys  
26 generated by fees and the amount of grants approved, as identified in sub. (1)

27 (a) to (d), establish by rule fees which shall supersede the well compensation  
28 fees under s. 94.681, 147.033 (3) or 168.12 (1s). The amount of moneys

1 generated by fees and the amount of grants approved shall be considered  
2 approximately equivalent if they do not differ by more than 10% in any  
3 12-month period.

4 (b) The department may establish by rule fees as described in par. (a)  
5 regardless of whether the amount of moneys generated by fees is approximately  
6 equivalent to the amount of grants approved, if such fees will reduce the  
7 difference between the amount of moneys generated by fees and the amount of  
8 grants approved.

9 (3) Rules promulgated under sub. (2) shall affect only the amount of fees  
10 assessed and shall not affect the manner in which the fees are collected.

11 ••87b2886/1••SECTION 398cxg. 144.21 (6) (c) of the statutes is renumbered  
12 144.21 (6) (c) 1 and amended to read:

13 144.21 (6) (c) 1. The department may enter into agreements with munici-  
14 palities and school districts to make payments to them from the appropriation  
15 under s. 20.370 (4) ~~(eb)~~ (ca) to provide direct financial assistance for  
16 smaller projects for sewage treatment facilities, including but not limited to  
17 chlorination treatment, phosphate removal and other improvements to sewage  
18 treatment capabilities.

19 ••87b2886/1••SECTION 398cxr. 144.21 (6) (c) 2 to 4 of the statutes are  
20 created to read:

21 144.21 (6) (c) 2. After June 30, 1988, and before July 1, 1990, the  
22 department may enter into agreements with municipalities to provide grants  
23 under this section from the appropriation under s. 20.370 (4) (ca) for plan-  
24 ning for projects that the department determines are necessary to prevent a  
25 municipality from significantly exceeding an effluent limitation, as defined  
26 in s. 147.015 (6).

27 3. A grant under subd. 1 or 2 may not exceed 25% of the eligible costs  
28 provided in subd. 1 or 2, or \$15,000, whichever is less.

1       4. After June 30, 1988, and before July 1, 1990, the department shall  
2 give priority to payments required under sub. (8) over agreements for grants  
3 under subd. 1 or 2, and shall give priority for grants under subd. 2 over  
4 grants under subd. 1.

5       ••87b3032/1••SECTION 398cz. 144.24 (4) (c) 2 of the statutes is amended  
6 to read:

7       144.24 (4) (c) 2. If sources of funding for the facility planning pre-  
8 scribed under this paragraph are not available for these activities, grants  
9 provided under this section may pay ~~75%~~ 50% of the cost of facility planning.

10       ••87b3211/1••SECTION 398czm. 144.24 (4) (c) 2m of the statutes is created  
11 to read:

12       144.24 (4) (c) 2m. Amendments or applications for facility planning  
13 grants received after March 1, 1987, shall be funded at 50% of the cost of the  
14 facility planning.

15       ••87b2701/2••SECTION 398d. 144.24 (7) (a) of the statutes is renumbered  
16 144.24 (7) (a) 1 and amended to read:

17       144.24 (7) (a) 1. Upon the completion by an applicant of all application  
18 requirements, the department may enter into an agreement with a municipality  
19 for a grant of up to 60% of the eligible costs of a project, except as pro-  
20 vided under sub. (4) (c), if the municipality is awarded a grant before July  
21 1, 1989.

22       ••87b2701/2••SECTION 398e. 144.24 (7) (a) 2 of the statutes is created to  
23 read:

24       144.24 (7) (a) 2. Upon the completion by an applicant of all application  
25 requirements, the department may enter into an agreement with a municipality  
26 for a grant of up to 55% of the eligible costs of the project, except as pro-  
27 vided under sub. (4) (c), if the municipality is awarded a grant after June  
28 30, 1989, but before July 1, 1990.

1       ••87b2701/2••SECTION 398f. 144.24 (7) (c) 1 of the statutes is amended to  
2 read:

3       144.24 (7) (c) 1. Metropolitan sewerage districts that serve 1st class  
4 cities are limited in each fiscal year to receiving total grant awards not to  
5 exceed 33% of the sum of the amounts in the schedule for that fiscal year for  
6 the appropriations under s. 20.370 (4) (cb) and (cf) and the amount authorized  
7 under sub. (10) for that fiscal year plus the unencumbered balances at the end  
8 of the preceding fiscal year for the appropriation under s. 20.370 (4) (cb)  
9 and the amount authorized under sub. (10). This subdivision is not applicable  
10 to grant awards provided during fiscal years 1985-86 ~~and~~, 1986-87, 1988-89 and  
11 1989-90.

12       ••87b2701/2••SECTION 398g. 144.24 (7) (c) 2 of the statutes is amended to  
13 read:

14       144.24 (7) (c) 2. Metropolitan sewerage districts that serve 1st class  
15 cities are limited to new project grant awards of not more than \$29,900,000 in  
16 fiscal year 1985-86 ~~and~~, of not more than \$35,300,000 in fiscal year 1986-87,  
17 of not more than \$70,000,000 in fiscal year 1988-89 and of not more than  
18 \$45,600,000 in fiscal year 1989-90 from the amounts authorized under sub.  
19 (10), plus any unallocated balances from the previous fiscal year as listed in  
20 this subdivision which the department determines, in accordance with its rules  
21 establishing a priority funding list under sub. (6), will be available for  
22 obligation during the succeeding fiscal year.

23       ••87b2701/2••SECTION 398h. 144.24 (7) (c) 3 of the statutes is created to  
24 read:

25       144.24 (7) (c) 3. Sewerage districts that do not serve 1st class cities  
26 are limited to new project grant awards that, in the aggregate for all those  
27 sewerage districts, are not more than \$70,500,000 in fiscal year 1988-89 and  
28 not more than \$36,400,000 in fiscal year 1989-90 from the amounts authorized

1 under sub. (10), plus any unallocated balances from the previous fiscal year  
2 as listed in this subdivision which the department determines, in accordance  
3 with its rules establishing a priority funding list under sub. (6), will be  
4 available for obligation during the succeeding fiscal year.

5 ••87b2701/2••SECTION 398i. 144.24 (9) (c) of the statutes is amended to  
6 read:

7 144.24 (9) (c) The maximum state assistance the department may commit in  
8 each fiscal year before fiscal year 1989-90 for future reimbursement under  
9 this subsection is an amount equal to the amount authorized under sub. ~~(10)~~  
10 (7) (c) for that the subsequent fiscal year.

11 ••87b2886/1••SECTION 398im. 144.24 (9m) (a) of the statutes is amended to  
12 read:

13 144.24 (9m) (a) The For fiscal year 1989-90, the advance commitment shall  
14 include a provision making the reimbursement of engineering design costs  
15 conditional on the award or making of a construction grant under this section  
16 or a loan under s. 144.241. If the financial assistance that the municipality  
17 receives for construction of a treatment work is a loan, the engineering  
18 design cost reimbursement shall be a loan. After June 30, 1990, and before  
19 September 1, 1990, the department may enter into an agreement with a munici-  
20 pality to provide engineering design costs under this subsection if the  
21 department makes an advance commitment for the reimbursement of those costs  
22 before July 1, 1990, and the municipality receives financial assistance under  
23 this section for construction.

24 ••87b2886/1••SECTION 398k. 144.24 (10) of the statutes is amended to  
25 read:

26 144.24 (10) EXPENDITURE AUTHORIZATION. ~~From~~ The department may expend,  
27 from the appropriation under s. 20.866 (2) (tn), the department is authorized  
28 an additional \$49,400,000 in fiscal year 1985-86 and an additional \$62,800,000

1 ~~in fiscal year 1986-87 total amount which is authorized under that paragraph~~  
2 ~~to be contracted for public debt and has not been expended,~~ for new grants  
3 under this section for engineering design costs, construction costs and other  
4 costs which can be funded from bond revenue.

5 ••87b2701/2••SECTION 398L. 144.24 (12) of the statutes is created to  
6 read:

7 144.24 (12) SUNSET. (a) Notwithstanding sub. (6), the department may  
8 not issue a grant award under the state program for a municipality that has  
9 not submitted to the department by January 2, 1989, a facility plan which  
10 meets the requirements of this section and is approvable by the department  
11 under this chapter.

12 (b) Notwithstanding sub. (6), the department may not issue a grant award  
13 under the state program for planning or construction work after June 30, 1990.

14 ••87b2886/1••SECTION 398Ld. 144.241 of the statutes is created to read:

15 144.241 CLEAN WATER FUND PROGRAM. (1) DEFINITIONS. In this section:

16 (a) "Effluent limitation" has the meaning designated in s. 147.015 (6).

17 (b) "Enforceable requirement" means any of the following:

18 1. Those conditions or limitations of a permit under ch. 147 which, if  
19 violated, could result in the initiation of a civil or criminal action under  
20 s. 147.29.

21 2. Those provisions of s. 144.025 (2) (r) which, if violated could result  
22 in a departmental order under s. 144.025 (2) (s).

23 3. If a permit under ch. 147 has not been issued, those conditions or  
24 limitations which, in the department's judgment, would be included in the  
25 permit when issued.

26 4. If no permit under ch. 147 applies, any requirement which the depart-  
27 ment determines is necessary for the best practicable waste treatment tech-  
28 nology to meet applicable criteria.

1 (c) "Industrial user" means any of the following:

2 1. Any nongovernmental, nonresidential user of a publicly owned treatment  
3 work which discharges more than the equivalent of 25,000 gallons per day of  
4 sanitary wastes, other than domestic wastes or discharges from sanitary  
5 conveniences, or discharges a volume that has the weight of biochemical oxygen  
6 demand or suspended solids at least as great as the weight found in 25,000  
7 gallons per day of sanitary waste from residential users, and which is  
8 identified in the standard industrial classification manual, 1972, federal  
9 office of management and budget, as amended and supplemented as of October 1,  
10 1978, under one of the following divisions:

11 a. Division A: agriculture, forestry, and fishing.

12 b. Division B: mining.

13 c. Division D: manufacturing.

14 d. Division E: transportation, communications, electric, gas, and sani-  
15 tary services.

16 e. Division I: services.

17 2. Any nongovernmental user of a publicly owned treatment work which  
18 discharges wastewater to the treatment work which contains toxic pollutants or  
19 poisonous solids, liquids or gases in sufficient quantity, either singly or by  
20 interaction with other wastes, to contaminate the sludge of any municipal  
21 system, to injure or interfere with any sewage treatment process, to consti-  
22 tute a hazard to humans or animals, to create a public nuisance, or to create  
23 any hazard in or have an adverse effect on the waters receiving any discharge  
24 from the treatment works.

25 3. All commercial users of an individual system constructed with grant  
26 assistance under s. 144.24.

27 (d) "Treatment work" has the meaning designated in s. 147.015 (18).

1 (e) "Violator of an effluent limitation" means a person or municipality  
2 that after the effective date of this paragraph .... [revisor inserts date],  
3 is not in substantial compliance with the enforceable requirements of its  
4 permit issued under ch. 147 for a reason that the department determines is or  
5 has been within the control of the person or municipality.

6 (2) RULES. The department shall promulgate rules that are necessary for  
7 the proper execution of this section.

8 (3) ACCEPTANCE OF FEDERAL CAPITALIZATION GRANTS. The department may  
9 enter into an agreement under 33 USC 1382 with the administrator of the U.S.  
10 environmental protection agency to receive a capitalization grant under 33 USC  
11 1381 to 1387. The agreement may contain any provision required by 33 USC 1381  
12 to 1387 and any regulation, guideline or policy adopted under 33 USC 1381 to  
13 1387.

14 (4) ANNUAL FINANCE PLAN. (a) By August 1 of each year, the department  
15 shall develop an annual finance plan. The department shall submit the annual  
16 finance plan to the building commission under s. 13.48 (26), to the joint  
17 committee on finance and to the chief clerk of each house of the legislature,  
18 for distribution under s. 13.172 (3) to the appropriate legislative standing  
19 committees generally responsible for legislation related to environmental  
20 issues. Within 30 days after receipt of the proposal, the joint committee on  
21 finance and each standing committee may submit to the building commission its  
22 recommendations and comments regarding whether the annual finance plan should  
23 be approved or disapproved. If the building commission disapproves an annual  
24 finance plan, the department shall submit a different annual finance plan to  
25 the building commission.

26 (b) The annual finance plan shall include all of the following  
27 information:

1       1. An estimate of wastewater treatment needs of the state for the current  
2 fiscal year and for each of the next 4 fiscal years.

3       2. The total amount of financial assistance that the department plans to  
4 provide or commit to municipalities for projects during that fiscal year and  
5 an estimate of the total financial assistance that the department plans to  
6 provide or commit to municipalities in each of the next 4 fiscal years.

7       3. The sources of the financial assistance that the department plans to  
8 provide or commit to municipalities during that fiscal year and in each of the  
9 next 4 fiscal years.

10      4. The composite annual interest rate which the financial assistance  
11 provided or committed to municipalities will yield, how the yield is calcu-  
12 lated and how the department plans to achieve the yield.

13      5. The extent to which the clean water fund will be maintained in  
14 perpetuity, and the extent to which the clean water fund will retain its pur-  
15 chasing power, meet the requirements of this section to provide financial  
16 assistance for water quality pollution abatement needs and nonpoint source  
17 water pollution management needs, and provide a stable and sustainable annual  
18 level of financial assistance under this section proportional to the state's  
19 long-term water pollution abatement and management needs and priorities.

20      6. A fund balance sheet, cash flow of existing loans and commitments,  
21 report of loans and commitments, fund profits and losses including yield on  
22 prior year loans, the estimated fund capital available for commitments in each  
23 of the next 5 fiscal years, and the projected clean water fund balance for  
24 each of the next 20 years given existing commitments and financial conditions.

25      7. The estimated spending level and interest rate for the types of  
26 projects specified under sub. (7) (b) 1 or 2.

1       (5) REVENUE OBLIGATIONS. (a) Transfers to the clean water fund for the  
2 purposes specified in s. 25.43 (3) may be funded with the proceeds of revenue  
3 obligations issued subject to and in accordance with subch. II of ch. 18.

4       (b) The department may, under s. 18.56 (5) and (9) (j), deposit in a  
5 separate and distinct fund in the state treasury or in an account maintained  
6 by a trustee outside the state treasury, revenues derived under s. 25.43 (1).  
7 The revenues deposited are the trustee's revenues in accordance with the  
8 agreement between this state and the trustee or in accordance with the reso-  
9 lution pledging the revenues to the repayment of revenue obligations issued  
10 under this subsection.

11       (c) The secretary may pledge revenues received or to be received in the  
12 fund established in par. (b) or the clean water fund to secure revenue obli-  
13 gations issued under this subsection. The pledge shall provide for the  
14 transfer to this state of all pledged revenues, including any interest earned  
15 on the revenues, which are in excess of the amounts required to be paid under  
16 s. 20.370 (4) (jc) and (jr) for the purposes specified in s. 25.43 (3). The  
17 pledge shall provide that the transfers be made at least twice yearly, that  
18 the transferred amounts be deposited in the clean water fund and that the  
19 transferred amounts are free of any prior pledge.

20       (d) The department shall have all other powers necessary and convenient  
21 to distribute the pledged revenues and to distribute the proceeds of the  
22 revenue obligations in accordance with subch. II of ch. 18.

23       (e) The department may enter into agreements with the federal government  
24 or its agencies, political subdivisions of this state, individuals or private  
25 entities to insure or in any other manner provide additional security for the  
26 revenue obligations issued under this subsection.

27       (f) Revenue obligations may be contracted by the building commission when  
28 it reasonably appears to the building commission that all obligations incurred

1 under this subsection can be fully paid from moneys received or anticipated  
2 and pledged to be received on a timely basis. Revenue obligations issued  
3 under this subsection shall not exceed \$1,000 in principal amount, excluding  
4 obligations issued to refund outstanding revenue obligation notes. Not more  
5 than \$900 of the \$1,000 may be used for transfers to the clean water fund.

6 (g) Unless otherwise expressly provided in resolutions authorizing the  
7 issuance of revenue obligations or in other agreements with the holders of  
8 revenue obligations, each issue of revenue obligations under this subsection  
9 shall be on a parity with every other revenue obligation issued under this  
10 subsection and in accordance with subch. II of ch. 18.

11 (6) PURPOSES OF FINANCIAL ASSISTANCE. (a) The department may approve  
12 financial assistance under this section to municipalities for any of the  
13 following:

- 14 1. Planning, designing and constructing or replacing a treatment work.
- 15 2. Implementing a management program established under 33 USC 1329 (b).
- 16 3. Developing and implementing a conservation and management plan under  
17 33 USC 1330.

18 (b) In approving financial assistance, the department may use the  
19 following methods of providing financial assistance:

- 20 1. Purchasing or refinancing the debt obligation of a municipality if the  
21 debt was incurred to finance the cost of constructing a water pollution con-  
22 trol project located in this state and the debt was initially incurred on or  
23 after the effective date of this subdivision .... [revisor inserts date].
- 24 2. Purchasing or refinancing the debt obligation of a municipality if the  
25 debt was incurred to finance the cost of constructing a water pollution con-  
26 trol project located in this state and the debt was initially incurred after  
27 March 7, 1985, and before the effective date of this subdivision .... [revisor

1 inserts date], if after giving the notice of commitment under sub. (15) the  
2 requirements of 33 USC 1382 (b) (3) have still not been met.

3 3. Guaranteeing, or purchasing insurance for, municipal obligations for  
4 the construction or replacement of a treatment work if the guarantee or  
5 insurance would improve credit market access or reduce interest rates.

6 4. Making loans at or below the market interest rate.

7 5. Providing financial hardship assistance under sub. (13) from the  
8 account under s. 25.43 (2) (b).

9 6. Making loans under sub. (20) for the purposes of that subsection.

10 (7) ELIGIBILITY. (a) The department shall, by rule, establish criteria  
11 for determining which applicants and which projects are eligible to receive  
12 financial assistance under this section. The primary criteria for eligibility  
13 shall be water quality and public health. The rules for projects funded from  
14 the account under s. 25.43 (2) (a) shall be consistent with 33 USC 1251 to  
15 1376 and 33 USC 1381 to 1387 and the regulations promulgated thereunder. The  
16 rules for projects funded from the account under s. 25.43 (2) (b) may be con-  
17 sistent with 33 USC 1251 to 1376 and 33 USC 1381 to 1387 and the regulations  
18 promulgated thereunder.

19 (b) The department may approve financial assistance under this section  
20 for any of the following types of projects:

21 1. Projects that the department determines are necessary to prevent a  
22 municipality from significantly exceeding an effluent limitation contained in  
23 a permit issued under ch. 147.

24 2. Projects needed to provide treatment to achieve compliance with an  
25 enforceable requirement changed or established after the effective date of  
26 this subdivision .... [revisor inserts date], if the project is for a munici-  
27 pality that is in substantial compliance with its permit, issued under ch.  
28 147, in regard to the changed or established enforceable requirements.

1       3.    Projects for treatment work planning and design, except the planning  
2 and design listed under subd. 6.

3       4.    Projects for unsewered municipalities.

4       5.    Projects for the treatment of nonpoint source pollution and urban  
5 storm water runoff.

6       6.    Projects for the planning, design, construction or replacement of  
7 treatment works that violate effluent limitations contained in a permit issued  
8 under ch. 147.

9       (8)   INELIGIBILITY FOR AND LIMITATIONS ON FINANCIAL ASSISTANCE. (a) The  
10 following are not eligible for financial assistance under this section:

11       1.    A person or municipality that has failed to substantially comply, as  
12 specified by the rules promulgated under sub. (2), with the terms of a federal  
13 or state grant or loan used to pay the costs of studies, investigations,  
14 plans, designs or construction associated with wastewater collection,  
15 transportation, treatment or disposal.

16       2.    Connection laterals and sewer lines that transport wastewater from  
17 structures to municipally owned or individually owned wastewater systems.

18       (b)   The amount of reserve capacity for a project eligible for loans with  
19 interest rates below the market rate, financial hardship assistance or finan-  
20 cial assistance of a method specified under sub. (6) (b) 1, 2 or 3 is limited  
21 to that future capacity required to serve the users of the project expected to  
22 exist within the service area of the project 10 years after the project is  
23 estimated to become operational. The department, in consultation with the  
24 demographic services center in the department of administration under s.  
25 16.96, shall promulgate rules defining procedures for projecting population  
26 used in determining the amount of reserve capacity.

27       (c)   Financial assistance may be provided for the design, planning and  
28 construction of a treatment work project in an unsewered municipality or an

1 unsewered area of a municipality, if the department finds that at least two-  
2 thirds of the expected flow will be for wastewater originating from residences  
3 in existence on October 17, 1972.

4 (d) An unsewered municipality that is not constructing a treatment work  
5 and will be disposing of wastewater in the treatment work of another munici-  
6 pality is not eligible for financial assistance under this section until it  
7 executes an agreement under s. 66.30 with another municipality to receive,  
8 treat and dispose of the wastewater of the unsewered municipality.

9 (e) Financial assistance may be provided to a municipality for a project  
10 only if the financial assistance is used for a project that is the most cost-  
11 effective alternative for the municipality without regard to financial assis-  
12 tance from the federal government and this state.

13 (f) Loans with interest rates below the market interest rate, financial  
14 hardship assistance or a method of financial assistance specified under sub.

15 (6) (b) 1, 2 or 3 may not be provided for the portion of a project for the  
16 treatment of industrial wastes.

17 (g) The sum of all of the financial assistance to a municipality approved  
18 under this section for a project may not result in the municipality paying  
19 less than 10% of the cost of the project.

20 (9) APPLICATION. (a) A municipality which desires to participate in the  
21 program under this section shall submit an application for participation to  
22 the department. The application shall be in such form and include such  
23 information as the department prescribes. The department shall review appli-  
24 cations for participation in the program under this section. The department  
25 shall determine which applications meet the requirements and criteria under  
26 subs. (4), (6), (7), (8), (10) and (13).

1 (b) A municipality seeking financial assistance for a project under this  
2 section shall complete a staged facility plan, design plans and specifications  
3 and an environmental analysis sequence as required by the department by rule.

4 (c) If a municipality is serviced by more than one sewerage district for  
5 wastewater pollution abatement, each service area of the municipality shall be  
6 considered a separate municipality for purposes of obtaining financial assis-  
7 tance under this section.

8 (d) The department may charge and collect service fees, established by  
9 rule, which shall cover the estimated costs of reviewing and acting upon the  
10 application and servicing the financial assistance agreement.

11 (10) PRIORITY. (a) The department shall establish a priority list under  
12 33 USC 1381 to 1387 which ranks each project. The ranking on the priority  
13 list shall be based on all of the following:

14 1. The type of project and the order in which it is listed under sub. (7)

15 (b) 1 to 6.

16 2. The impact of the project on groundwater and surface water quality.

17 3. The impact of the project on public health.

18 4. Any other factor determined by the department.

19 (b) Each municipality shall, in a writing postmarked no later than  
20 December 31, notify the department of its intent to apply for financial  
21 assistance under this section in the next state fiscal year. Only those  
22 municipalities that so notify the department and that before July 1 of the  
23 next year submit a complete application meeting the requirements under sub.

24 (9) (a), design plans and specifications if required under s. 144.04 which are  
25 approvable by the department under this chapter and a sequence meeting the  
26 requirements of sub. (9) (b) may be included on the funding list under par.

27 (c) and considered for financial assistance under this section in the next  
28 state fiscal year.

1 (c) The department shall annually establish a funding list for each  
2 fiscal year that ranks projects of municipalities that submit a financial  
3 assistance application under sub. (9) and meet the requirements specified in  
4 par. (b) in the same order as they appear on the priority list established  
5 under par. (a).

6 (d) If sufficient funds are not available to fund all applications for  
7 financial assistance under this section in any fiscal year, the department  
8 shall allocate available funding to projects in the order in which they appear  
9 on the funding list under par. (c) for that year. The department may not  
10 issue a notice of commitment for financial assistance for a project that is on  
11 the funding list if the municipality is not ready to begin construction of the  
12 project within 3 months after the department is ready to issue a notice of  
13 commitment for financial assistance.

14 (e) If funds remain available for a fiscal year after providing financial  
15 assistance to all municipalities on the funding list under par. (c), the  
16 department may issue a notice of commitment for financial assistance to a  
17 municipality that meets all of the requirements under this section, except the  
18 requirement under par. (b) to submit a complete application and design plans  
19 and specifications, if required under s. 144.04, before July 1.

20 (f) Before July 1, 1991, the department may not approve applications for  
21 treatment work projects specified under sub. (7) (b) 4 for which financial  
22 assistance would total, for all of those treatment work projects, more than 5%  
23 of the total capital dollar amount established under s. 13.48 (26) for that  
24 fiscal year, unless all other applications on the funding list are approved  
25 first. Before July 1, 1991, the department may not approve applications for  
26 projects not specified under sub. (7) (b) 4 for which financial assistance  
27 would total, for all of those projects, more than 95% of the total capital

1 dollar amount established under s. 13.48 (26) for that fiscal year, unless all  
2 applications under sub. (7) (b) 4 on the funding list are approved first.

3 (g) The requirements under pars. (b), (c), (d) and (f) do not apply to  
4 projects under sub. (7) (b) 3.

5 (11) APPROVAL. (a) The department shall specify the method by which  
6 financial assistance is to be provided for each application that it approves.  
7 The methods by which the department may provide financial assistance are the  
8 methods specified under sub. (6) (b).

9 (b) For municipalities meeting the financial hardship assistance  
10 requirements under sub. (13), the department may approve financial hardship  
11 assistance and shall specify the method by which it will provide financial  
12 hardship assistance, including but not limited to a combination of loans at or  
13 below the market rate and grants, deferred payment loans, state payment of the  
14 loan for a number of years, or longer amortization periods.

15 (c) The department may not approve financial assistance under this  
16 section for a project that is not on the priority list under sub. (10) (a).

17 (d) In approving financial assistance under this section, the department  
18 shall adhere, to the extent practicable, to the total capital dollar amount,  
19 by source, and the composite annual interest rate approved by the building  
20 commission under s. 13.48 (26).

21 (12) LOAN INTEREST RATES. (a) The department shall set the interest  
22 rate on loans under this section based on the type of project being funded as  
23 specified under sub. (7) (b) 1 to 6 and on any other factor that affects the  
24 market value of the loan that the department, by rule, provides. The interest  
25 rate may be set at different levels for the different types of projects. If  
26 interest rates are set at different levels for the different types of  
27 projects, the projects listed higher in order in which they are listed under  
28 sub. (7) (b) 1 to 6 shall receive lower interest rates and projects listed

1 lower in the order in which they are listed under sub. (7) (b) 1 to 6 shall  
2 receive higher interest rates.

3 (b) A municipality that is a violator of an effluent limitation at the  
4 time that the loan is made may not receive a loan with interest below the  
5 market rate for that part of a treatment work project that is needed to cor-  
6 rect the violation.

7 (c) The department may not provide a loan under this section, other than  
8 a market rate loan, for a project specified under sub. (8) (b) or for the part  
9 of the costs of a project that is for the treatment of industrial waste.

10 (13) FINANCIAL HARDSHIP ASSISTANCE. (a) The department shall rank each  
11 municipality applying for financial assistance under this section based on its  
12 ability to pay for the construction and operation costs of its project. The  
13 department shall establish, by rule, the economic, socioeconomic and other  
14 factors it uses to rank the municipalities.

15 (b) The department shall consider all of the following factors in decid-  
16 ing which financial hardship assistance to approve:

17 1. The project's placement on the priority funding list under sub. (10)  
18 (c).

19 2. Each municipality's rank under par. (a).

20 3. The operational and construction costs of each project.

21 4. The total financial hardship assistance available under this  
22 subsection.

23 (c) The department may approve financial hardship assistance under this  
24 subsection only for a municipality for which the department approves financial  
25 assistance under sub. (11). A municipality that is a violator of an effluent  
26 limitation may not receive financial hardship assistance under this subsection  
27 for that part of a treatment work project that is needed to correct the  
28 violation.

1 (d) The department may approve financial hardship assistance under this  
2 subsection to a municipality meeting the requirements of this subsection.

3 (e) The total amount of financial hardship assistance approved in any  
4 year under this subsection may not exceed 15% of the financial assistance  
5 approved annually under this section.

6 (f) The department may not approve financial hardship assistance under  
7 this section before January 1, 1991.

8 (14) CONDITIONS OF FINANCIAL ASSISTANCE. (a) A loan approved under this  
9 section shall be for no longer than 20 years, as determined by the department,  
10 be fully amortized not later than 20 years after the completion of the project  
11 that it funds except as provided under subs. (11) (b) and (13), as determined  
12 by the department, and require the repayment of principal and interest to  
13 begin not later than 12 months after the date of completion of the project  
14 that it funds, as determined by the department.

15 (b) As a condition of receiving financial assistance under this section,  
16 a municipality shall do all of the following:

17 1. Establish a dedicated source of revenue for the repayment of any  
18 financial assistance.

19 2. Pledge the security, if any, required by the rules promulgated by the  
20 department under this section.

21 3. Demonstrate to the satisfaction of the department the financial  
22 capacity to assure sufficient revenues to operate and maintain the project for  
23 its useful life and to pay the debt service on the obligations that it issues  
24 for the project.

25 4. Comply with those provisions of 33 USC 1381 to 1387, this chapter and  
26 ch. 147 and the regulations and rules promulgated thereunder that the depart-  
27 ment specifies.

1       5. Develop and adopt a program of water conservation as required by the  
2 department.

3       6. Develop and adopt a program of systemwide operation and maintenance of  
4 the treatment work, including the training of personnel, as required by the  
5 department.

6       7. Develop and adopt a system of equitable user charges to ensure that  
7 each recipient of treatment work services pays its proportionate share of the  
8 costs of the operation and maintenance of the treatment work. The user fee  
9 system shall be in compliance with 33 USC 1284 (b) and the regulations  
10 promulgated thereunder. The department may issue an exemption from the  
11 requirement imposed under this subdivision if a city or village imposes a  
12 system of equitable dedicated charges based upon assessed property values, if  
13 the city or village does not operate a treatment work but is served by a  
14 regional wastewater treatment plant operated by a metropolitan sewerage dis-  
15 trict created under ss. 66.88 to 66.918 and if the user charges imposed by  
16 that district are approved by the department and comply with 33 USC 1284 (b).

17       8. Demonstrate to the satisfaction of the department that the municipal-  
18 ity is ready to begin construction within 90 days after it receives a notice  
19 of commitment for financial assistance under sub. (15).

20       (15) FINANCIAL ASSISTANCE COMMITMENTS. (a) Subject to pars. (b) and  
21 (c), the department shall issue a notice of financial assistance commitment to  
22 a municipality within 90 days after it approves the application under sub. (9)  
23 (a) and plans and specifications under s. 144.04. The notice shall include  
24 the conditions that the municipality must meet to secure the financial assis-  
25 tance and shall include the loan payment and repayment schedules and other  
26 terms of the financial assistance.

27       (b) The department may not issue a loan commitment notice to a munici-  
28 pality that the department determines is unlikely to be able to repay the

1 principal and interest on it according to the terms of the financial  
2 assistance.

3 (c) The department may issue a financial assistance commitment notice to  
4 a municipality only after the annual finance plan for that year has been  
5 approved by the building commission under s. 13.48 (26).

6 (d) In each state fiscal year the department may issue, before building  
7 commission approval under s. 13.48 (26), a provisional notice of commitment  
8 for financial assistance for a project. The provisional notice shall be  
9 contingent on approval of the annual finance plan.

10 (16) FINANCIAL ASSISTANCE PAYMENTS. (a) The department may make a  
11 financial assistance commitment to a municipality for which the department  
12 issues a notice of commitment under this section if the municipality meets the  
13 condition under sub. (14) (b) 8 and the other requirements established by the  
14 department under this section.

15 (b) If a municipality fails to make a principal repayment or interest  
16 payment within 180 days after its due date, the department shall file a  
17 certified statement of all amounts due under this section with the department  
18 of administration. After consulting the department, the department of admin-  
19 istration may collect all amounts due by deducting those amounts from any  
20 state payments due the municipality or may add a special charge to the amount  
21 of taxes apportioned to and levied upon the county under s. 70.60. If the  
22 department of administration collects amounts due, it shall remit those  
23 amounts to the state treasurer and notify the department of that action.

24 (c) The department may not make the last payment under a financial  
25 assistance agreement until the department determines that the project is com-  
26 pleted and the conditions of the financial assistance are met.

1       (17) ADVANCED COMMITMENTS. (a) The department shall, by rule, implement  
2 and administer reimbursement funding to municipalities as part of the finan-  
3 cial assistance program under this section.

4       (b) The department shall promulgate rules specifying reimbursement eli-  
5 gibility and procedures for commitments of financial assistance. The rules  
6 shall specify that a reimbursement offer shall be made or committed:

7       1. To municipalities willing to apply for financial assistance condi-  
8 tioned upon capital available in the clean water fund and meeting the  
9 requirements of s. 13.48 (26).

10       2. To municipalities successfully completing all facility planning and  
11 design plans and specifications requirements under sub. (9) (b).

12       3. For all eligible costs consistent with subs. (7) and (8).

13       4. Before the start of construction of any reimbursable project under  
14 this section.

15       5. Subject to a priority determination system consistent with sub. (10).

16       6. Subject to the same provisions of payment under sub. (14).

17       7. Only if all required procedures under this section have been complied  
18 with.

19       (c) The maximum amount of financial assistance that the department may  
20 commit in any fiscal year for future financial assistance under this subsec-  
21 tion is 25% of the amount approved for that fiscal year.

22       (18) INITIAL FINANCIAL ASSISTANCE. The department shall administer this  
23 section so as to permit the first financial assistance to be committed no  
24 later than February 1, 1990.

25       (19) MUNICIPAL OBLIGATIONS. The investment board may purchase or refi-  
26 nance debt obligations specified in sub. (6) (b) 1 or 2 and guarantee or pur-  
27 chase insurance for municipal obligations specified in sub. (6) (b) 3 if the

1 department approves the financial assistance under this section and gives a  
2 notice of commitment for the financial assistance under this section.

3 (20) LOANS FOR TRANSITION PROJECTS. (a) Notwithstanding any other  
4 provision of this section, a municipality that submits to the department by  
5 January 2, 1989, a facility plan meeting the requirements of s. 144.24 which  
6 is approvable under this chapter and that does not receive a grant award  
7 before July 1, 1990, only because there is insufficient grant funds under s.  
8 144.24, is eligible to receive financial assistance under this subsection.  
9 The form of the financial assistance is a loan with an interest rate of 3.5%  
10 per year.

11 (b) Notwithstanding any other provision of this section, the department  
12 shall make all loans under par. (a) to municipalities ready to construct  
13 treatment works before the department provides or approves any other financial  
14 assistance under this section.

15 (21) CONSTRUCTION. This section shall be liberally construed in aid of  
16 the purposes of this section.

17 ••87b2498/1••SECTION 398Lm. 144.25 (4) (g) 5 of the statutes, as created  
18 by 1987 Wisconsin Act 27, is amended to read:

19 144.25 (4) (g) 5. Determine whether any county, city, village or town  
20 within the area which is the subject of the plan, as a condition of a grant  
21 under this section, should be required to develop a ~~construction site erosion~~  
22 ~~control ordinance under s. 59.974 or a~~ manure storage ordinance under s. 92.16  
23 in order to meet the water quality goals established in the plan.

24 ••87b2498/1••SECTION 398m. 144.25 (8m) of the statutes, as created by  
25 1987 Wisconsin Act 27, is amended to read:

26 144.25 (8m) If the department determines under sub. (4) (g) 5 that a  
27 county, city, village or town should be required to develop a ~~construction~~  
28 ~~site erosion control ordinance under s. 59.974 or a~~ manure storage ordinance

1 under s. 92.16, that county, city, village or town shall develop and adopt the  
2 ordinance at least one year before completion of the nonpoint source water  
3 pollution abatement project for which it receives a grant under this section.

4 ••87b2498/1••SECTION 398n. 144.266 (1) of the statutes is amended to  
5 read:

6 144.266 (1) OBJECTIVES. To aid in the fulfillment of the state's role as  
7 trustee of its navigable waters, to promote public health, safety and general  
8 welfare and to protect natural resources, it is declared to be in the public  
9 interest to make studies, establish policies, make plans, ~~authorize~~ require  
10 municipal construction site erosion control ordinances and authorize municipal  
11 storm water management zoning ordinances for the efficient use, conservation,  
12 development and protection of this state's groundwater, surface water, soil  
13 and related resources and establish a state construction site erosion control  
14 and storm water management plan for the efficient use, conservation, develop-  
15 ment and protection of this state's groundwater, surface water, soil and  
16 related resources while at the same time encouraging sound economic growth in  
17 this state. The purposes of the municipal ordinances and state plan shall be  
18 to further the maintenance of safe and healthful conditions; prevent and con-  
19 trol water pollution; prevent and control soil erosion; prevent and control  
20 the adverse effects of storm water; protect spawning grounds, fish and aquatic  
21 life; control building sites, placement of structures and land uses; preserve  
22 ground cover and scenic beauty; and promote sound economic growth.

23 ••87b3371/1••SECTION 398nm. 144.266 (2) of the statutes is amended to  
24 read:

25 144.266 (2) STATE CONSTRUCTION SITE EROSION CONTROL AND STORM WATER MAN-  
26 AGEMENT PLAN. The department shall promulgate by rule a state construction  
27 site erosion control and storm water management plan. This state plan is  
28 applicable to construction activities contracted for or conducted by any

1 agency, as defined under s. 227.01 (1) but also including the office of dis-  
2 trict attorney, unless that agency enters into a memorandum of understanding  
3 with the department in which that agency agrees to regulate activities related  
4 to construction site erosion control and storm water management. The depart-  
5 ment shall coordinate the activities of agencies, as defined under s. 227.01  
6 (1), in construction site erosion control and storm water management and make  
7 recommendations to these agencies concerning activities related to construc-  
8 tion site erosion control and storm water management.

9 ••87b2498/1••SECTION 398o. 144.266 (3) (a) 3 of the statutes is amended  
10 to read:

11 144.266 (3) (a) 3. Minimum standards established under this paragraph are  
12 applicable to the state construction site erosion control and storm water  
13 management plan. The department shall encourage a county, city or village to  
14 comply with these minimum standards for any construction site erosion control  
15 ordinance and any storm water management zoning ordinance enacted under s.  
16 59.974, 61.354 or 62.234.

17 ••87b2498/1••SECTION 398p. 144.266 (4) of the statutes, as affected by  
18 1987 Wisconsin Act 27, is amended to read:

19 144.266 (4) MODEL ORDINANCES; STATE PLAN; DISTRIBUTION. The department  
20 shall prepare a model construction site erosion control ordinance and a model  
21 storm water management zoning ordinance in the form of ~~an~~ administrative ~~rule~~  
22 rules. The model ~~ordinance~~ ordinances shall be based upon the state con-  
23 struction site erosion control and storm water management plan. The model  
24 ~~ordinance~~ ordinances are subject to s. 227.19 and other provisions of ch.  
25 227 in the same manner as other administrative rules. Following the promul-  
26 gation of the model ~~ordinance~~ ordinances as ~~a rule~~ rules, the department shall  
27 distribute a copy of the model ~~ordinance~~ ordinances upon request to any

1 county, city or village ~~which submits a request~~. The department shall dis-  
2 tribute a copy of the state plan to any agency which submits a request.

3 ••87b2650/1••SECTION 398q. 144.30 (25) of the statutes, as created by  
4 1987 Wisconsin Act 27, is amended to read:

5 144.30 (25) "Volatile organic compound accommodation area" means Kenosha,  
6 Milwaukee, Ozaukee, Racine, Walworth, Washington and Waukesha counties and any  
7 other county specified by the department by rule in response to a finding by  
8 the federal environmental protection agency that the county is to be included  
9 in the volatile organic compound accommodation area.

10 ••87b3425/1••SECTION 398qm. 144.393 (9) of the statutes is created to  
11 read:

12 144.393 (9) RESTRICTION ON EMISSION REDUCTION OPTION PROGRAMS. (a) No  
13 emissions of volatile organic compounds may be used in an emission reduction  
14 option program if:

15 1. The program involves a grantee of emissions of volatile organic com-  
16 pounds that is different than the grantor of emissions of volatile organic  
17 compounds; and

18 2. The emissions of volatile organic compounds specified in the program  
19 are from a recorded source.

20 (b) In this subsection, "recorded source" means a stationary source in  
21 the volatile organic compound accommodation area owned or operated by any  
22 person who owns or operates on the effective date of this paragraph ....  
23 [revisor inserts date], a stationary source whose actual 1980 emissions of  
24 volatile organic compounds are recorded as zero in the 1982 plan approved by  
25 the U.S. environmental protection agency under 42 USC 7502 (a).

26 ••87b2650/1••SECTION 398r. 144.40 (1) (e) of the statutes, as created by  
27 1987 Wisconsin Act 27, is amended to read:

1       144.40 (1) (e) Net offset credits are the sum of all allowable emissions  
2 of volatile organic compounds authorized to date attributable to sources  
3 subject to an annual volatile organic compounds emission limitation that is  
4 specified in an air pollution control permit to operate under an emission  
5 reduction option or specified as an emission credit ~~in the~~ under a plan  
6 approved by the U.S. environmental protection agency under 42 USC 7502 (a) or  
7 in reports submitted to the U.S. environmental protection agency under the  
8 plan minus the sum of the actual annual emissions of volatile organic com-  
9 pounds for the year 2 years before the specified year attributable to sources  
10 subject to an annual volatile organic compounds emission limitation that is  
11 specified in an air pollution control permit to operate under an emission  
12 reduction option or specified as an emission credit ~~in the~~ under a plan  
13 approved by the U.S. environmental protection agency under 42 USC 7502 (a) or  
14 in reports submitted to the U.S. environmental protection agency under the  
15 plan.

16       ••87b3018/1••SECTION 398rb. 144.44 (1) (a) of the statutes is renumbered  
17 144.44 (1) (am).

18       ••87b3018/1••SECTION 398rbm. 144.44 (1) (a) of the statutes is created to  
19 read:

20       144.44 (1) (a) "Approved facility" has the meaning under s. 144.441 (1)  
21 (a).

22       ••87b3018/1••SECTION 398rc. 144.44 (1) (bn) and (cr) of the statutes are  
23 created to read:

24       144.44 (1) (bn) "Hazardous waste disposal facility" means a hazardous  
25 waste facility, as defined under s. 144.61 (5m), for disposal as defined under  
26 s. 144.61 (3).

1 (cr) "Recycling facility" means a facility which is used for the recycl-  
2 ing of solid waste or for the recovery of resources from solid waste and is  
3 licensed by the department.

4 ••87b3018/1••SECTION 398rd. 144.44 (1r) of the statutes is created to  
5 read:

6 144.44 (1r) NEGOTIATION AND ARBITRATION PROCESS. No person may construct  
7 a solid waste disposal facility or a hazardous waste facility unless all  
8 procedures of s. 144.445 which are applicable to the facility have been com-  
9 pleted or until 18 months have elapsed after the department approves the plan  
10 of operation under sub. (3), whichever is earlier.

11 ••87b3018/1••SECTION 398re. 144.44 (2) (n) 4 of the statutes is amended  
12 to read:

13 144.44 (2) (n) 4. The department may not approve a feasibility report for  
14 a solid or hazardous waste disposal facility unless the design capacity of  
15 that facility does not exceed the expected waste to be disposed of at that  
16 facility within 15 years after that facility begins operation. The department  
17 may not approve a feasibility report for a solid or hazardous waste disposal  
18 facility unless the design capacity of that facility exceeds the expected  
19 waste to be disposed of at that facility within 10 years after that facility  
20 begins operation except that this condition does not apply to the expansion of  
21 an existing facility. The department may not approve a feasibility report for  
22 a solid or hazardous waste disposal facility if operation of the facility will  
23 divert sufficient waste from an existing approved solid or hazardous waste  
24 facility so that the length of operation of the existing facility is expected  
25 to be extended by more than 5 years or from an existing recycling facility or  
26 incinerator so as to make operation of the recycling facility or incinerator  
27 uneconomical.

1       ••87b3018/1••SECTION 398rf. 144.44 (2) (nm) (intro.), 1, 2 and 3.  
2 (intro.) of the statutes are amended to read:

3       144.44 (2) (nm) (title) Determination of need; factors considered.  
4 (intro.) A feasibility report shall contain an evaluation to justify the need  
5 for the proposed facility unless the facility is exempt under par. (nr). The  
6 department shall consider the following ~~issues~~ in evaluating the need for the  
7 proposed facility:

8       1. An approximate service area for the proposed facility which ~~takes into~~  
9 ~~account~~ encompasses all sources of waste which could potentially be handled at  
10 the facility. The service area shall be delineated based on the economics of  
11 waste collection, transportation and disposal.

12       2. The quantity of waste ~~suitable for disposal~~ which could potentially be  
13 handled at the proposed facility and which is generated within the anticipated  
14 service area.

15       3. (intro.) The ~~design~~ remaining capacity of the following facilities, if  
16 those facilities are currently providing or are expected to provide solid  
17 waste disposal services for any sources of solid waste located within the  
18 anticipated service area of the proposed facility:

19       ••87b3018/1••SECTION 398rg. 144.44 (2) (nm) 3. d of the statutes is  
20 renumbered 144.44 (2) (nm) 3e. a and amended to read:

21       144.44 (2) (nm) 3e. a. ~~Facilities for the recycling of solid waste or for~~  
22 ~~the recovery of resources from solid waste which are licensed by the depart-~~  
23 ~~ment~~ Recycling facilities.

24       ••87b3018/1••SECTION 398rh. 144.44 (2) (nm) 3. e and f of the statutes  
25 are renumbered 144.44 (2) (nm) 3e. b and c.

26       ••87b3018/1••SECTION 398ri. 144.44 (2) (nm) 3. g of the statutes is  
27 renumbered 144.44 (2) (nm) 3e. d and amended to read:

1 144.44 (2) (nm) 3e. d. Proposed solid waste incinerators which have plans  
2 a plan of operation which are approved by the department or a permit.

3 ••87b3018/1••SECTION 398rj. 144.44 (2) (nm) 3e. (intro.) of the statutes  
4 is created to read:

5 144.44 (2) (nm) 3e. (intro.) The design capacity of the following  
6 facilities, if those facilities are currently providing or are expected to  
7 provide solid waste recycling or incineration services for any sources of  
8 solid waste located within the anticipated service area of the proposed  
9 facility:

10 ••87b3018/1••SECTION 398rk. 144.44 (2) (nm) 4 of the statutes is repealed  
11 and recreated to read:

12 144.44 (2) (nm) 4. The extent to which the sources of solid or hazardous  
13 waste to be disposed of at the proposed facility will be diverted from exist-  
14 ing solid or hazardous waste facilities or from existing recycling facilities.

15 ••87b3018/1••SECTION 398rke. 144.44 (2) (np) of the statutes is created  
16 to read:

17 144.44 (2) (np) Adjacent facilities. Except as provided under this  
18 paragraph, the department may not issue a determination of need under par.  
19 (nm) or approve a feasibility report under this subsection for a solid waste  
20 disposal facility if an approved facility which is a solid waste disposal  
21 facility is in operation and is located within 5 miles of the proposed  
22 facility. This prohibition does not apply to any of the following:

23 1. An expansion of or addition to an existing approved facility which is  
24 a solid waste disposal facility by the owner or operator of that approved  
25 facility on property which is contiguous or adjoining property on which that  
26 existing approved facility is located and which is property owned or under  
27 option to lease or purchase by the owner or operator of the existing approved  
28 facility.

1       2. A proposed solid waste disposal facility owned or operated by a  
2 generator of high-volume industrial waste as defined under sub. (7) (a) which  
3 is designed and operated to accommodate wastes generated on-site and which  
4 primarily accepts high-volume industrial waste.

5       3. A proposed solid waste disposal facility when the existing operating  
6 solid waste disposal facility within a 5-mile radius of that proposed disposal  
7 facility is a high-volume industrial waste disposal facility owned or operated  
8 by the generator of wastes to accommodate wastes generated on-site.

9       4. A proposed solid waste disposal facility in a county with a population  
10 greater than 750,000.

11       5. A proposed solid waste disposal facility which is identified in a  
12 county solid waste management plan adopted under s. 144.437 (1) which is  
13 adopted after January 1, 1985.

14       ••87b3018/1••SECTION 398rks. 144.44 (2) (nr) 3 of the statutes is created  
15 to read:

16       144.44 (2) (nr) 3. A municipal facility which is proposed to replace  
17 other facilities of that municipality at the time that those facilities are  
18 projected to be closed in the plans of operation.

19       ••87b3018/1••SECTION 398rLe. 144.44 (7) (a) (intro.) and 1 of the stat-  
20 utes are consolidated, renumbered 144.44 (7) (a) and amended to read:

21       144.44 (7) (a) (title) Definition. In this subsection: ~~1. "High-volume,~~  
22 "high-volume industrial waste" means fly ash, bottom ash, paper mill sludge or  
23 foundry process waste.

24       ••87b3018/1••SECTION 398rLm. 144.44 (7) (a) 2 of the statutes is renum-  
25 bered 144.44 (1) (d).

26       ••87b3032/1••SECTION 398rLp. 144.441 (7) (title), (a) to (c), (e) to (h)  
27 and (i) (title), 1, 2, 3. a and 5 of the statutes are amended to read:

1        144.441 (7) (title) GROUNDWATER AND WELL COMPENSATION FEES. (a) (title)  
2        Imposition of groundwater and well compensation fees on generators. Except as  
3        provided under par. (f), a generator of solid or hazardous waste shall pay a  
4        separate groundwater fee and well compensation fees for each ton or equivalent  
5        volume of solid or hazardous waste which is disposed of at a licensed solid or  
6        hazardous waste disposal facility. If a person arranges for collection or  
7        disposal services on behalf of one or more generators, that person shall pay  
8        the groundwater fee and well compensation fees to the licensed solid or  
9        hazardous waste disposal facility or to any intermediate hauler used to  
10       transfer wastes from collection points to a licensed facility. An intermedi-  
11       ate hauler who receives groundwater and well compensation fees under this  
12       paragraph shall pay the fees to the licensed solid or hazardous waste disposal  
13       facility. Tonnage or equivalent volume shall be calculated in the same manner  
14       as the calculation made for tonnage fees under sub. (3).

15       (b) Collection. The owner or operator of a licensed solid or hazardous  
16       waste disposal facility shall collect the groundwater fee and well compen-  
17       sation fees from the generator, a person who arranges for disposal on behalf  
18       of one or more generators or an intermediate hauler and shall pay to the  
19       department the amount of the fees required to be collected according to the  
20       amount of solid or hazardous waste received and disposed of at the facility  
21       during the preceding reporting period.

22       (c) (title) Amount of groundwater and well compensation fees. Except as  
23       provided under par. (d), the groundwater fee imposed under par. (a) is 10  
24       cents per ton for solid or hazardous waste. The well compensation fee imposed  
25       under par. (a) for solid or hazardous waste, excluding prospecting or mining  
26       waste and high-volume industrial waste, as defined under s. 144.44 (7) (a) 1,  
27       is 5 cents per ton.

1 (e) In addition to other fees. The groundwater fee and well compensation  
2 fees collected and paid under par. (b) ~~is~~ are in addition to the tonnage fee  
3 imposed under sub. (3), the waste management base fee imposed under sub. (5),  
4 the environmental repair base fee imposed under s. 144.442 (2) and the envi-  
5 ronmental repair surcharge imposed under s. 144.442 (3).

6 (f) (title) Exemption from groundwater and well compensation fees; cer-  
7 tain materials used in operation of the facility. Solid waste materials  
8 approved by the department for lining, daily cover or capping or for con-  
9 structing berms, dikes or roads within a solid waste disposal facility are not  
10 subject to the groundwater fee and well compensation fees imposed under par.  
11 (a).

12 (g) Reporting period. The reporting period under this subsection is the  
13 same as the reporting period under sub. (3). The owner or operator of any  
14 licensed solid or hazardous waste disposal facility shall pay groundwater and  
15 well compensation fees required to be collected under par. (b) at the same  
16 time as any tonnage fees under sub. (3) and the waste management base fee  
17 under sub. (5) are paid.

18 (h) (title) Use of groundwater and well compensation fees. The ground-  
19 water fees collected under par. (b) shall be credited to the groundwater fund.  
20 The well compensation fees collected under par. (b) shall be credited to the  
21 appropriation under s. 20.370 (2) (eh).

22 (i) (title) Failure to pay groundwater and well compensation fees. 1.  
23 If a person required under par. (a) to pay a groundwater fee and well compen-  
24 sation fees to a licensed solid or hazardous waste disposal facility fails to  
25 pay the fee fees, the owner or operator of the licensed solid or hazardous  
26 waste disposal facility shall submit to the department with the payment  
27 required under par. (b) an affidavit stating facts sufficient to show the  
28 person's failure to comply with par. (a).

1       2. If the person named in the affidavit under subd. 1 is a generator or a  
2 person who arranges for collection or disposal services on behalf of one or  
3 more generators and the person holds a license for the collection and trans-  
4 portation of solid or hazardous waste, the department shall immediately notify  
5 the person that the license will be suspended 30 days after the date the  
6 notice is mailed unless the person submits to the department an affidavit  
7 stating facts sufficient to show that it has paid the fee fees as required  
8 under par. (a).

9       3. a. The person named in the affidavit under subd. 1 received the  
10 required fee fees from a generator, from a person who arranges for collection  
11 or disposal services on behalf of one or more generators or from an earlier  
12 intermediate hauler, and paid the fee fees to the licensed solid or hazardous  
13 waste disposal facility or to a subsequent intermediate hauler.

14       5. When a person whose license is suspended under subd. 4 provides the  
15 department with proof that the person has paid the owner or operator of the  
16 licensed solid or hazardous waste facility the amount of the unpaid fee fees,  
17 the department shall immediately reinstate the suspended license.

18       ••87b3032/1••SECTION 398rLq. 144.442 (1m) (e) of the statutes is amended  
19 to read:

20       144.442 (1m) (e) In addition to other fees. The environmental repair fee  
21 collected and paid under par. (b) is in addition to the base fee imposed under  
22 sub. (2), the surcharge imposed under sub. (3), the tonnage fee imposed under  
23 s. 144.441 (3), the waste management base fee imposed under s. 144.441 (5) and  
24 the groundwater fee and well compensation fees imposed under s. 144.441 (7).

25       ••87b3486/1••SECTION 398rLr. 144.4425 of the statutes, as created by 1987  
26 Wisconsin Act 27, is repealed.

27       ••87b3018/1••SECTION 398rLs. 144.445 (7) (f) of the statutes is renum-  
28 bered 144.445 (7) (f) 1 and amended to read:

1 144.445 (7) (f) 1. A Except as provided in subd. 2, a majority of the  
2 membership of the local committee constitutes a quorum to do business and a  
3 majority of that quorum may act in any matter before the local committee.  
4 Each member of the local committee has one vote in any matter before the  
5 committee and no member may vote by proxy.

6 ••87b3018/1••SECTION 398rme. 144.445 (7) (f) 2 of the statutes is created  
7 to read:

8 144.445 (7) (f) 2. The local committee, by a majority vote of a majority  
9 of its membership, taken in open session, may delegate specific decision-mak-  
10 ing responsibilities to one or more local committee members.

11 ••87b3018/1••SECTION 398rmm. 144.445 (7m) of the statutes is created to  
12 read:

13 144.445 (7m) PAYMENT OF LOCAL COMMITTEE COSTS. The applicant shall pay  
14 the reasonable costs incurred by the local committee for negotiation, media-  
15 tion and arbitration activities under this section, but not to exceed \$40,000.  
16 A negotiated agreement or arbitration award under this section may require the  
17 applicant to pay local committee costs in excess of \$40,000. The local  
18 committee, on a monthly basis, may submit to the board an application for  
19 reimbursement of expenses. The board shall review the application and reject  
20 that portion of any request for reimbursement which the board determines to be  
21 unreasonable. The board shall direct the applicant to reimburse the local  
22 committee's expenses when the board has completed its review of the  
23 application.

24 ••87b3396/5••SECTION 398rmn. 144.445 (7n) of the statutes is created to  
25 read:

26 144.445 (7n) ADDITIONAL MUNICIPAL PARTIES. (a) Agreement to add. Upon the  
27 written agreement of all parties to a negotiation and arbitration proceeding  
28 commenced under this section, a municipality which does not qualify as an

1 affected municipality under s. 144.43 (1) may be added as a party to the  
2 proceeding.

3 (b) Siting resolution. If a municipality is added to the negotiation and  
4 arbitration proceeding under par. (a), it shall adopt a siting resolution  
5 under sub. (6) within 30 days of the agreement and otherwise comply with the  
6 other provisions of this section.

7 ••87b3018/1••SECTION 398rms. 144.445 (8) of the statutes, as affected by  
8 1987 Wisconsin Act 27, is repealed and recreated to read:

9 144.445 (8) SUBJECTS OF NEGOTIATION AND ARBITRATION. A negotiated  
10 agreement or arbitration award under this section may include provisions  
11 related to any subject, except:

12 (a) Any proposal to make the applicant's responsibilities under the  
13 approved feasibility report or plan of operation less stringent.

14 (b) The need for the facility.

15 ••87b3018/1••SECTION 398rne. 144.445 (9) (b) of the statutes is amended  
16 to read:

17 144.445 (9) (b) Determination of negotiability. Either party may peti-  
18 tion the board in writing for a determination as to whether a proposal is  
19 excluded from negotiation under sub. (8) (a) or (b). A petition may be sub-  
20 mitted to the board before a proposal is offered in negotiation. A petition  
21 may not be submitted to the board later than 7 days after the time a proposal  
22 is offered for negotiation. The board shall conduct a hearing on the matter  
23 and issue its decision within 14 days after receipt of the petition. The  
24 decision of the board is binding on the parties and is not subject to judicial  
25 review. Negotiation on any issue, including issues subject to a petition  
26 under this paragraph, may continue pending the issuance of the board's  
27 decision.

1 ••87b3018/1••SECTION 398rnm. 144.445 (9) (f) of the statutes is amended  
2 to read:

3 144.445 (9) (f) Submission of certain items to the department. Any item  
4 proposed to be included in a negotiated agreement which affects an applicant's  
5 responsibilities under an approved feasibility report or plan of operation may  
6 be submitted to the department for consideration. An item may be submitted to  
7 the department under this paragraph after agreement on the item is reached by  
8 the applicant and the local committee either during or at the conclusion of  
9 negotiation. The department shall approve or reject items submitted under  
10 this paragraph within 2 weeks after receipt of the item. The department shall  
11 determine whether the items would make the applicant's responsibilities less  
12 stringent than required under the approved feasibility report or plan of  
13 operation. The department shall reject only those items which would make the  
14 applicant's responsibilities less stringent than required under the approved  
15 feasibility report or plan of operation. The department may not reject those  
16 items which would make the applicant's responsibilities as or more stringent  
17 than required under the approved feasibility report or plan of operation. The  
18 department shall provide written reasons for the rejection. Items which are  
19 rejected may be revised and resubmitted. The department may incorporate all  
20 items which are not rejected under this paragraph into the approved feasi-  
21 bility report or the plan of operation. The department shall inform the  
22 applicant, the local committee and the board of its decisions under this  
23 paragraph.

24 ••87b3018/1••SECTION 398rns. 144.445 (10) (c) of the statutes is renum-  
25 bered 144.445 (10) (c) 1.

26 ••87b3018/1••SECTION 398ro. 144.445 (10) (c) 3 of the statutes is created  
27 to read: